



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 13, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Amend Santa Barbara Municipal Code Chapter 14.20 And Review Of Proposed Drought Water Regulations

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 14.20 of the Municipal Code With Respect to Unlawful Water Use and Regulations During Water Shortage Conditions; and
- B. Consider water use regulations proposed to be effective upon declaration of a Stage Two Drought Condition.

DISCUSSION:

Santa Barbara Municipal Code (SBMC) Chapter 14.20 specifies regulations related to the use of water supplied by the City's water distribution system. Section 14.20.140 addresses unauthorized consumption of water through a City meter and was last amended in 1984. Section 14.20.215 establishes water use regulations that become effective upon Council's adoption of a resolution declaring a Stage Two or Stage Three Drought Condition. This section was created as a part of the drought response effort in 1989, as were sections 225 through 227, which provide the applicable remedies for violations of the regulations.

A Stage One Drought Condition was declared by the City Council on February 11, 2014. At that time, Council was advised that preparations for a Stage Two Drought Condition would commence. These preparations have included a review of the content and administration of drought water use regulations. Previous drought experience demonstrated the need to modify water use regulations as water supply conditions change and unforeseen issues arise. Historically, changes to water use regulations were made by Council resolution as authorized in the SBMC, which is appropriate. However, this process resulted in some confusion due to the difference between regulations in the SBMC and those in the resolution.

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With regard to regulations that apply during all times (not limited to times of water shortage), staff is proposing to add a new section to Chapter 14.20, which is necessary to clarify that certain uses of City water from the City's distribution system are prohibited and unlawful. The activities to be prohibited by the new section are essentially activities that result in someone taking City water without paying for it, or taking it in a manner that could compromise water quality in the distribution system. These activities must be prohibited at all times, and are of even greater concern during times of water shortage.

The new section includes prohibiting the following:

- Water use through a meter by persons other than the account holder or other authorized user, such as a tenant.
- Water use through a fire hydrant without a permit.
- Water use through a dedicated fireline, except in response to fire.
- Unauthorized water use through an unmetered connection.
- Any use of water through a meter for which there is no active billing account.
- Unauthorized removal of a meter.

Staff is also proposing to amend section 14.20.215 which currently includes the regulations that may be imposed upon the City Council's declaration of a Stage Two or Stage Three drought condition. The proposed amendment to section 14.20.215 would remove the specific regulations from the SBMC and retain the provision that regulations during drought or other water shortage conditions would be established by City Council resolution. The City Council will thereby retain the flexibility to promptly address the changing water supply situation in times of water shortage and impose the necessary regulations on water use, while avoiding inconsistencies with the SBMC.

The revised language also incorporates the broader term "water shortage condition," into the SBMC, consistent with State requirements and the fact that drought is not the City's only water shortage vulnerability.

Attached is a draft of the Resolution Declaring a Stage Two Drought Condition, which includes the regulations staff is recommending based on the City's current water supply situation. Staff reviewed and received input on the proposed ordinance and resolution at the City Water Commission on April 14, 2014. On April 29, 2014, the Ordinance Committee recommended approval of the proposed ordinance and reviewed the proposed Stage Two regulations. One member of the Ordinance Committee suggested that the proposed prohibition on use of water in ornamental water features and fountains be modified to exclude those that include fish or other animals.

Staff is requesting that the Council provide input to staff on the Stage Two Drought Declaration and the proposed regulations. Staff will incorporate the suggestions made by Council and members of the public, as appropriate, in preparing the final draft of the resolution for consideration by the Council on May 20, 2014.

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ATTACHMENT(S): Draft Resolution Declaring Stage 2 Drought Condition and
Establishing Water Use Regulations to be Effective During a
Stage Two Drought Condition

PREPARED BY: Joshua Haggmark, Acting Water Resources Manager/BF/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA DECLARING A STAGE TWO
DROUGHT CONDITION AND ESTABLISHING WATER
USE REGULATIONS TO BE EFFECTIVE DURING A
STAGE TWO DROUGHT CONDITION

WHEREAS, the City of Santa Barbara, along with the rest of the State of California, has experienced the driest three-year period on record and such conditions have resulted in the depletion of surface water resources that are the City's primary water supply;

WHEREAS, the City's 2010 Urban Water Management Plan sets forth the City's Water Shortage Contingency Plan;

WHEREAS, pursuant to the Water Shortage Contingency Plan, a Stage One Drought Condition was declared by Resolution No. 14-009 on February 11, 2014;

WHEREAS, since such declaration, there has been a continuing lack of rainfall sufficient to make a substantial improvement to the water supply situation, which has exacerbated the current drought, thereby making it increasingly desirable and necessary to conserve existing water supplies to protect the public health, safety and welfare if the current drought continues;

WHEREAS, the Water Shortage Contingency Plan provides that when the City determines that the water supply for the current or impending water year is anticipated to be approximately 10% less than projected normal demand, a Stage Two shall be declared, and such conditions now exist;

WHEREAS, SBMC Section 14.20.215 provides for the establishment, by resolution of the City Council, of water use regulations governing the use of water provided by the City's water distribution system during drought, and provides for exemptions to such regulations; and

WHEREAS, it is the intent of the City Council to minimize inequities resulting from the implementation of water use regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. There does now exist within the City of Santa Barbara a Stage Two Drought Condition.

2. For the protection of public health and safety, the following drought water use regulations regarding use of water from the City's water system are hereby established

and shall remain in effect for the duration of the Stage Two Drought Condition, unless repealed or modified by resolution of the City Council:

a. Any use of water through a hose, pipe, or faucet not otherwise addressed by these regulations is prohibited unless the water is delivered by use of a self-closing valve that requires operator pressure to activate the flow of water.

b. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings, pavement, tile, wood, plastic, or other hard surfaces is prohibited.

Exceptions:

i. Such use is allowed as a part of periodic maintenance of buildings and other facilities if accomplished by means of a pressure washer, defined herein to be equipment that boosts incoming water pressure for the purpose of enhancing cleaning capability and minimizing the amount of water used.

ii. Such use is allowed when it is the only feasible means of correcting a potential threat to health and safety, provided it is accomplished by use of a pressure washer, mop, bucket, brush, and/or other tools to limit the use of running water to the minimum necessary.

No such use of water shall be eligible for exception if the required task can feasibly be accomplished by means other than the use of running water. The use of running water for dust control, including as a part of street sweeping operations, is allowed provided the use of water is the minimum necessary to accomplish the intended control of dust.

c. Irrigation of any grass, shrub, plant, tree, groundcover, or other vegetation by use of an automatically controlled irrigation system is allowed only between the hours of 6:00 p.m. and 8:00 a.m. If manually operated, such irrigation is allowed only between the hours of 4:00 p.m. and 10:30 a.m. Irrigation by hand-held hose is subject to the self-closing valve provision of Section 2.a.

Exception:

i. Irrigation accomplished by use of a water truck with water delivered by injection probe below mulch or below the soil surface is exempt from such scheduling limitations.

d. Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment, or by use of a hose, subject to the self-closing valve provision of Section 2.a. Operators of commercial car washing facilities shall post a notice in a conspicuous place advising the public as to whether their operations conform to such requirements.

- e. The use of water in ornamental water features and fountains is prohibited.
 - f. Swimming pools and spas shall be covered at all times when not in active use.
 - g. Draining and refilling up to one third of the volume of a pool per year is allowed as necessary to maintain suitable pool water quality. Draining and refilling in excess of such one third per year is prohibited, except as authorized by the Public Works Director based on evidence from qualified maintenance personnel that such further draining is required to make needed repairs, or to prevent equipment damage or voiding of warranties.
 - h. All restaurants and other eating establishments that provide table service shall post, in a conspicuous place, a Notice of Drought Condition as approved by the Public Works Director and shall refrain from serving water except upon specific request by a customer.
 - i. Operators of hotels, motels and other commercial establishments offering lodging shall post in each room a Notice of Drought Condition as approved by the Public Works Director.
 - j. Operators of pools, exercise facilities, and other similar commercial establishments providing showering facilities shall promote limitation of showering time and post a Notice of Drought Condition as approved by the Public Works Director in a conspicuous place.
3. Violation of any regulation in this resolution is subject to the penalties and charges set forth in Santa Barbara Municipal Code Section 14.20.226.



Municipal Code Amendment & Proposed Water Use Regulations

May 13, 2014



Overview

- ◆ Stage 2 Preparations & Review of Existing SBMC Regulations
- ◆ Proposed SBMC Amendment for Clarification
- ◆ Council Input on Proposed Stage 2 Regulations



Current SBMC 14.20 Language

- ◆ Codifies Stage 2 & Stage 3 regulations
- ◆ Authorizes adoption of additional regulations by Council resolution
- ◆ Defines the exemption process
- ◆ Sets penalties and charges for violations
- ◆ Dictates administrative process for notices and hearings



Potential for Confusion Exists

- ◆ Flexibility needed to match regulations to conditions at hand
- ◆ Most likely will not match the codified regulations in SBMC
- ◆ Results in two different sets of regulations



Proposed SBMC Amendment

- ◆ Removes the specific regulations from the SBMC
- ◆ Retains authority to adopt regulations by Council resolution, enforceable per SBMC
- ◆ Incorporates the broader term “Water Shortage Condition” in place of “Drought”



Proposed SBMC Amendment

- ◆ Retains penalties and administrative process with some minor changes
- ◆ Adds specific prohibitions on certain types of water use under all conditions

Questions on SBMC Amendment?





Proposed Stage 2 Regulations

- ◆ Hoses must be equipped with an automatic shut-off nozzle
- ◆ Washing of pavement and other hard surfaces by hose is generally prohibited



Proposed Stage 2 Regulations

- ◆ Irrigation is limited to evening and early morning hours
- ◆ Vehicles and boats must be washed at commercial facilities that recycle the water, or by hose with shut-off nozzle



Proposed Stage 2 Regulations

- ◆ Use of water in ornamental water features and fountains is prohibited
 - Suggestion at Ordinance Committee to provide exception for fish in fountains
 - Staff proposes an exception for fish or other animals that were present as of the resolution date; with limited water use & circulation allowed.



Proposed Stage 2 Regulations

- ◆ Pools and spas to be covered when not in use
- ◆ No draining of pools by more than one third, unless authorized



Proposed Stage 2 Regulations

- ◆ Drought notices required in restaurants and hotels; water served upon request only
- ◆ Gyms, pools and other businesses providing showers must post drought notices and promote limitation of shower use



Discussion

- ◆ Provide input on proposed regulations in preparation for planned adoption on May 20, 2014



Recommendation

- ◆ Introduce an Ordinance amending SBMC Chapter 14.20, for subsequent adoption on May 20, 2014



**For information & assistance on
water conservation:**

www.SantaBarbaraCA.gov/WaterWise

Call: 564-5460

